

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Dy. No. 882/JI/92

O. A. No.

T. A. No.

182/92

199

DATE OF DECISION 30-1-1992

Mr VK Antony Applicant (s)

Mr Asok M Cherian Advocate for the Applicant (s)

Versus

The DPO, Personnel Branch, Respondent (s)
Southern Railway, Trivandrum & 2 others

Mr MC Cherian Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? M
3. Whether their Lordships wish to see the fair copy of the Judgement? M
4. To be circulated to all Benches of the Tribunal? M

JUDGEMENT

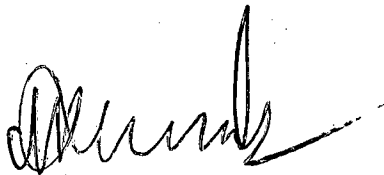
(Hon'ble Shri SP Mukerji, V.C)

We have heard the learned counsel for the parties on this application dated 27.1.1992 in which the applicant who has been working as Casual Khalasi has challenged his empanelment at Annexure-A1 for being appointed as regular Gangman. He has indicated his old age and unwillingness to be appointed as a Gangman and states that he would prefer to stay as Casual Khalasi and will seek his future in the line in which he is working.

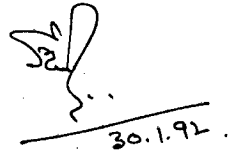
2. The learned counsel for the respondents has no objection to the applicant relinquishing his regular appointment as a Gangman, subject to his submitting a written communication of

unwillingness and subject to his not claiming regularisation and promotion out of turn on the basis of his empanelment as Gangman.

3. In conformity with similar cases decided by us, we admit this application and dispose of the same with the direction that the applicant shall not be compelled to be transferred as a Gangman by virtue of his empanelment at Annexure-A1² and that ^{which is set aside so far the applicant is concerned} this application itself shall be considered to be his written communication of his unwillingness to be regularised as Gangman. The applicant will continue as casual Khalasi so long as work is available and subject to the risk of his being retrenched, if necessary and in accordance with law. It goes without saying that the applicant will be considered for regularisation or promotion in his line, in accordance with law.



(AV HARIDASAN)
JUDICIAL MEMBER


30.1.92

(SP MUKERJI)
VICE CHAIRMAN

30-1-1992

trs